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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,311	12/04/2001	William D. Griffith	N1086-072	8905

7590 03/30/2006
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EXAMINER

FOX, DAVID T

ART UNIT PAPER NUMBER

1638

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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032306

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

REQUEST FOR INFORMATION UNDER 37 CFR 1.105

The Board Decision of 31 March 2005 is acknowledged. Upon further consideration, it has been deemed necessary to reopen prosecution in view of the following Request for Information. The delay in prosecution is deeply regretted.

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

This request is being made for the following reasons:

Applicant is claiming hybrid seed which inherently comprises at least one set of the chromosomes of maize line LH321, plants produced from the hybrid seed, and methods of their use (see, e.g., claims 12-18). However, the instant specification is silent with regard to the starting materials and methods used to produce maize line LH321. The requested information is required to make a meaningful and complete search of the art.

Furthermore, it is noted that claim 14 is drawn to a seed produced on the hybrid plant of claim 13, i.e., a seed produced by crossing the above hybrid with another plant, either itself or any other plant including any other non-LH321 plant. The seed of claim 14 may encompass less than half of the chromosomes of maize line LH321. In fact, such a seed may encompass none of the chromosomes of maize line LH321.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

(i) What were(are) the original parental maize lines used to produce maize line LH321? Please supply all of the designations/denominations used to make the original parental line LH321. Please supply information pertaining to the lineage of the original parental lines back to any publicly available varieties.

(ii) What method and method steps were used to produce maize line LH321?

(iii) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, had any of said parental maize line LH321, parents of said maize line LH321, or progeny thereof been disclosed or made publicly available? If so, under what designation/denomination and under what conditions were said parent maize line LH321, parents and/or progeny thereof disclosed or made publicly available; and from when to when?

(iv) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, were any other maize lines LH321, parentals thereof, or progeny thereof, produced by said method using said original maize line LH321 or its parents, and if so, had said produced maize lines LH321, parentals thereof, or progeny thereof been publicly available or sold? If so, under what designation/denomination and under what conditions were said other maize lines LH321, parentals thereof, or progeny thereof disclosed or made publicly available; and from when to when?

If Applicant views any or all of the above requested information as a Trade Secret, then Applicant should follow the guidance of MPEP 724.02 when submitting the requested information.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of TWO (2) months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fox whose telephone number is 571-272-0795.

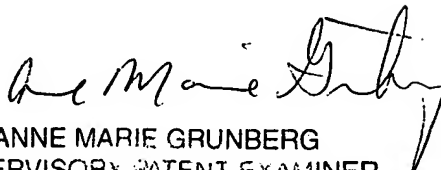
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached on 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 23, 2006

DAVID T. FOX
PRIMARY EXAMINER
GROUP 180 / 638




ANNE MARIE GRUNBERG
SUPERVISORY PATENT EXAMINER